

Washington State Nursing Care Quality Assurance Commission
Department of Health
MINUTES
November 7, 2002 Business meeting
CenterPoint Corporate Park, The Commons Building
The Conference Room
20809 72nd Ave South
Kent, WA 98032

Commission

Members present: Joanna Boatman, RN, Chair
Becky Kerben, LPN, Co-Chair
Rev. Ezra Kinlow, Public Member
Cheryl Payseno, RN,
Roberta Schott, LPN
Marlene Wells, LPN

AAG present: Marc Defreyn, Assistant Attorney General

Staff present: Paula R. Meyer, RN, MSN, Executive Director
Chuck Cumiskey, RN, BSN, CRRN, Nurse Practice Manager
Maura Egan, RN, PhD, Education Manager
Jeanne Giese, Chief Investigator
Karl Hoehn, Lead Staff Attorney
Kris McLaughlin, Secretary
Terry West, Health Administrator

In accordance with the Open Public Meetings Act, approximately 300 special meeting notices were sent to individuals requesting notification of Nursing Commission meetings.

1. **Opening—Joanna Boatman, Chair**, opened the meeting at 1:00PM, Thursday November 7, 2002.

Order of Agenda: The agenda may be arranged as needed.

Announcements

Other

2. **Consent Agenda**

- A. Superintendent of Public Instruction, Bulletin No. 61-02 Learning and Teaching Support **Page 55, Attachment K: Uniform Staff Training Policy: Students with Diabetes**
- B. National Council of State Boards of Nursing (NCSBN), minutes from Delegate Assembly, August 2002
- C. CNEWs report, October 17-18, SeaTac
- D. Minutes of September 13, 2002 meeting
- E. Nursing Program Approval Panel Decisions
- F. Sub-committee minutes
- G. Rules update
- H. Report from the American Association of Colleges of Nursing Fall Meeting, October 2002: Paula Meyer attended as a guest from NCSBN
- I. Reports from NCSBN committees—Cheryl Payseno, Frank Maziarski, Maura Egan, Paula Meyer

ACTION: Agenda items approved and passed with corrections.

3. Chair report—Joanna Boatman

- A. Washington Nursing Leadership Council (WNLC) Meeting, October 31, 2002. NCQAC responsibilities will be presented in association with the Washington Statewide Strategic Plan for Nursing. Opportunities to serve will be presented and representatives of the commission to serve on task forces and work groups will be completed.

DISCUSSION: Cheryl Payseno volunteered to be the third representative from the NCQAC to work with the Washington Nursing Leadership Council (WNLC). Cheryl will work on the workplace sub-committee.

4. Executive Director report—Paula Meyer

- A. DOH move to new building
DISCUSSION: Paula explained the Dept of Health move to the new building in Tumwater.
- B. Staff changes
DISCUSSION: Paula updated the commission on new staff in Section 6.
- C. Certificates from NCSBN—Maura Egan for her participation on the Practice, Education and Regulation Congruence (PERC) committee
DISCUSSION: Paula awarded Maura Egan a certificate for her participation on the PERC committee for NCSBN.
- D. NCSBN contract
DISCUSSION: Negotiations on the contract completed; awaiting signatures at Department of Health contracts office.
- E. Budget report
DISCUSSION: The AAG allotment was increased as requested.
- F. NCLEX test transition to new vendor—Pearson/VUE—and new test sites in Washington. Process for site visits
DISCUSSION: The new test vendor is Pearson/VUE. There are 15 seats per site. The sites are located in Renton, Spokane, and Yakima. This test vendor will be administering the exams to only Nursing and Pathologists therefore fewer seats will be needed. A suggestion was made to inquire as to if we could visit the Renton site in January.
- G. WNLC assignments from shortage task forces
DISCUSSION: The Washington Nursing Leadership Council formerly known as the Tri Council includes; WSNA, NWONE, NCQAC, League of Nursing and CNEWS. Joanna and Paula are current members. Cheryl Payseno volunteered to assist with the workplace and data group.
- H. Other

5. Medication Organizers—Cheryl Payseno

This issue is related to RNs filling medisets in community based care settings. DSHS was in the process of revising their adult family home rules and asked for an advisory opinion on the practice of nursing in these settings related to filling medisets. The Nursing Commission developed an advisory opinion stating that filling medisets was within the scope of practice of nursing. The Board of Pharmacy believes this is dispensing medications and has concerns with the labeling of the medisets. A Secretary review of the issue occurred and stated that members of the Nursing Commission and Board of Pharmacy were to meet, with a facilitator, to resolve the issue. The meeting was held on October 29, 2002. Becky Kerben, Cheryl Payseno, Roberta Schott, as members of the commission, and Shannon Fitzgerald, a pro tem member of the nursing commission, were appointed to attend the meeting. A report of the meeting will be presented with any items that may require additional action.

Discussion: Cheryl Payseno gave a report on the October 29 meeting with the Board of Pharmacy (BOP) and the Nursing Commission. All spoke in favor with the exception of the Board of Pharmacy. DSHS statistics show only 2% of all errors are related to medication and less than that number is related to mediset incidents.

Public input came from: David Bucher, Washington State Hospice and Palliative Care Organization; Debbie Kelly, Manager of Evergreen Hospice; Sonjia Hauser, Hospice Southwest; Michael Jones, Dept. of Health

Facilities and Licensing and Tim Fuller, Washington State Board of Pharmacy. Tim agrees that the position remains open and is looking forward to working together.

6. NPAP plan—Paula

A motion was made and passed at the September meeting to review four areas of concern with the process used by NPAP by the steering committee. The four areas were: NPAP policy, Development of guidelines for evaluating nursing programs, Composition of NPAP, and Communication and collaboration with the State Board of Health and Community and Technical Schools Board. Steering committee members will present the draft of their recommendations to the full commission for their consideration.

DISCUSSION: The committee agrees that the NPAP policy stands as written. Paula visited 6 Community and Technical schools, meeting with presidents, workforce training and development officers, nursing program directors, and vice presidents. Paula has explained the function of NPAP, panel members, how they communicate and when they would be on the agenda.

DECISION: To discuss and refine the composition of NPAP at the March workshop. Jeni Fung, Rosemarie Neumann and Ellen Rosbach are on the panel. Discuss what types of trends they are seeing, talk about the policy and the composition.

MOTION: A motion was made and passed to accept the NPAP report as written.

7. Nurse Tech—Paula Meyer

A task force meeting was held on October 16, 2002, to further discuss the nurse tech issue. The commission task force members will present to the full commission a report from the meeting that reviewed the history of the issue and the current positions from stakeholders. The commission will discuss and consider options for action.

DISCUSSION: Debbie Murphy and Bonnie Blackley representing Washington Health Care Association, Pat Steele and Michelle Huntley from the Life Care Centers of America were present to discuss the first draft of legislation to address the concerns raised at the October 16th Nursing Technician Task Force meeting.

ACTION: A motion was made and passed to continue discussion on the nurse technician role and move forward with consideration to repeal the current rules.

ACTION: A motion was made to amend the motion to remove the word “repeal”. No second.

CALL FOR THE QUESTION: Question is whether or not to vote on the question. The question is the motion made to repeal the section that deals with this rules. Motion passed.

DISCUSSION: On December 10 the Washington Health Care Association (WHCA) is going to have a meeting to discuss the proposed legislation.

DECISION: Cheryl Payseno will attend in December 10th meeting which will be held in Federal Way. Debbie Murphy will send out an agenda.

8. Medication Assistance—Paula

Self medication with assistance and nursing assistant scope or practice has been reviewed and discussed at previous Nursing Commission meetings. It was agreed that nursing assistants can participate in medication assistance as the law and rules allow. Concerns have been raised by the home care industry to address the needs in the private homes. Staff has worked with representatives from Facilities and Services Licensing and the Board of Pharmacy to analyze RCW and WACs.

The commission will consider a member to participate in continuing work on this issue. The commission will discuss the limitations in current RCWs and WACs, their role in the issue, and consider options for action.

DISCUSSION: Linda Timothy representing Dept of Health Facilities and Licensing reported on the roundtable meeting held this week. Nancy James, Home Care Association was also present to share concerns that nurse delegation may not make it through this session because of the high fiscal note. Because of the important issues and inconsistencies in laws they are not going to site the agencies during this transition period. Jeanne Giese talked about the criteria that have been developed to determine if the complaint warrants an investigation.

ACTION: A motion was made and passed to appoint Robert Schott to the Medication assistance work group.

9. Video with Multicare

Paula and Terry met with representatives from MultiCare to discuss the potential for revising the current Nursing Commission 101 video. MultiCare is interested in producing a video for their employees to distinguish among the scope of practice of a nursing assistant, a licensed practical nurse and a registered nurse, based on the language in nursing law and regulations. The content would also include the purpose and functions of the nursing commission. The commission will consider the options for productions, costs, content, responsibilities, ownership, copying of the tapes and future revisions if necessary. Legal implications will be discussed if necessary.

DISCUSSION: Paula Meyer introduced Peg Vancini and Patty Wigington, representing the Multicare Health Systems. The Video Storyboards for using the scope of practice decision tree were handed out. Peg explained that Multicare views this as a joint venture and they will absorb all production expenses.

CLOSING; The meeting was adjourned by Joanna Boatman, Chair, at 4:50PM on November 7, 2002.

10. Opening

Joanna Boatman, Chair of the Commission, opened the meeting at 9:00AM on November 8, 2002.

Present on November 8, 2002:

Joanna Boatman, Paula Meyer, Marc Defreyn,
Becky Kerben, Jacqueline Rowe, Frank Maziarski, Roberta Schott,
Sandy Weeks, Marlene Wells, Terry West, Kris McLaughlin, Jeanne
Giese, Karl Hoehn, Chuck Cumiskey, Maura Egan.

National Council Subcommittee Updates:

Frank Maziarski reported on the ARNP compact from National Council.

Maura Egan reported on the upcoming meetings she will attend for NCSBN for model rules.

Paula Meyer reported on her NCSBN Board meetings.

11. CRNA opt out—Frank Maziarski

The issue of Medicare reimbursement for facilities utilizing CRNA and their supervision was analyzed and stakeholder input forwarded to the governor's office. Any communication from the governor's office will be presented at this time.

DISCUSSION: Frank reported that New Mexico has opted out. The commission requested the Department to seek information from the Governor's office on progress on this issue.

12. Pro Tem Task Force—Joanna Boatman

Currently, the Nursing Commission is composed of 10 members and 1 non-voting member. A task force was named to review the workload of the commission, the current pro tem members, and the legislation adopted in the 2002 legislative session directing the appointment and terms of pro tem members. The commission will consider adopting a rotation plan to recognize the expertise of current pro tem members, request appointments of new members, and document the work of the commission members.

DISCUSSION: Paula led the discussion on the use of pro tem members. Adena Nolet from the commission office was present to answer questions regarding compliance cases. All files completed should be brought back to the office to be shredded. Anyone interested in being appointed as a commission member can still send in his or her applications to the office.

DECISION: Becky Kerben volunteered to help Paula review and analyze the application for appointment as pro tem members.

ACTION: A motion was made and passed to proceed with rotation of current pro tem members that have served more than four years and appoint new pro tem members according to Attachment C: Plan for pro tem appointments.

Joint Education And Practice Subcommittee Reports:

DECISION: A motion was made from the joint education and practice subcommittee to increase the number of commission members and designate one member at a minimum be a registered nurse educator and convert the

non-voting midwife member to a public member.

ACTION: The motion was made and passed.

ACTION: A motion was made and passed to have the nursing commission formally petition the Governor to appoint an Advanced Registered Nurse Practitioner (ARNP) who is a current educator to fill the vacant ARNP position on the Nursing Commission; and, have staff identify one or more candidates.

ACTION: A motion was made and passed that the nursing commission explore the requirement of a preceptorship or internship experience which would be (defined in WAC) for graduates of Practical and Registered Nursing Programs; and that the fiscal, personnel resources and legal framework, which will be required be identified.

DECISION: Consider as a motion and consider the joint committees shared a concern regarding the volume and importance of the issues that impact practice and education and therefore request that joint practice and education meetings be held quarterly.

An amendment was made and passed that the commission study the fiscal and personnel impact on sharing joint education and practice.

As an amendment as a substitute motion to study the fiscal and personnel costs on having an increase the number of meetings on the education and practice to 4 times a year.

A second on the motion was made.

Voting on the amendment passed

ACTION: The motion was made and passed to study the fiscal and personnel costs of having an increase number of joint education and practice meetings to 4 times a year.

13. Out of State Travel

Recommendations for out of state travel by the commission members and staff through June 30, 2003, will be presented.

DISCUSSION: Cheryl Payseno and Becky Kerben were on the committee to prepare the out of state travel plan for next year. Trips paid for by NCSBN etc are not included in total out of state trips.

ACTION: A motion was made and passed to accept the out of state travel plan and include another commission member, if available, to be included in travel for March mid year meeting.

14. Workshop items for March meeting—Paula Meyer

The March workshop will be held in Spokane. Topics for presentations will be suggested. Staff will be assigned to develop the agenda and contact speakers

DISCUSSION: Items were brought forward for the March workshop as follows: State Board of Health representative, Community and Technical schools representative, Private Schools, Baccalaureate programs, model rules from National Council, FARB model rules, Unlicensed assistive personnel, HIPPA Health Insurance Portability, ethics training, video and web site and Q and A time.

15. Legislative Task Force:

Potential areas of legislative activity related to nursing and RCW 18.79 will be discussed. Members of the Legislative task force will be recommended and meeting dates determined.

DISCUSSION: Paula Meyer and Pam Lovinger from Dept of Health met to discuss the possibility of 7 possible amendment items to the nursing practice act.

DECISION: Frank Maziarski and Sandy Weeks will be on the Legislative Task Force.

16. An executive session was held to discuss with our AAG who is legal counsel to the Commission, matters relating to enforcement actions or litigation or potential litigation.

LUNCH

1:00PM OPEN MIKE

Present to speak at open mike: Joan Garner and Barbara Sullivan representing Washington State Nurses Association

17. Practice Subcommittee report—Frank Maziarski

A. Old business

1. Meeting dates for 2002-2003 – Wednesdays 7PM-9PM
12/4/02, 2/5/03, 4/2/03, 6/11/03, 8/6/03, 10/8/03
Meeting dates have been established
2. Agenda development
 - Responsibility for development
 - Filing for agenda items week before the meetingAgenda is due 3 weeks prior to next commission meeting.
3. Radiology Technologist program and concerns of the practice committee
Review letter sent to Holly Rawnsley (included in packets)
4. Office Based Anesthesia
 - Review status of declaratory statement
 - Report on status of Overlapping Scopes of PracticeOffice base group is planning a meeting of different groups, no dates set yet.
5. Continued Competence task force update
 - Review members of the stakeholder group
 - Discuss the practice committee scope of task force
 - Give overview of October 24 planning meetingThe first meeting of the Continued competency group met October 24. The members of the task force include; Washington State Hospital Association, Long Term Care, WSNA, Home Health and Hospice. They are reviewing different states actions. The intent is not to meet over 3 times.
6. Naturopathic MDs ordering vitamins and RNs administering these orders
 - Victoria will present an Advisory Opinion
 - Commission review and vote on the Advisory opinionNo need for a vote from the commission.
7. Botox practice concerns
 - Review information from Massachusetts
 - Roberta Schott will report on preliminary planTake back to Practice subcommittee for more research and by January try to come up with a plan. Only discussion on Botox will be for cosmetic reasons.

B. New Business

Request by American Society of Anesthesiologists (Dr Flanery) to have the NCQAC evaluate AWONE and NCQAC position on epidurals in obstetrics.
This will be discussed at the Practice subcommittee meeting on December 4th.
Request by American Society of Anesthesiologists, to have the commissions evaluate AWONE and commission position on epidurals in obstetrics.

DISCUSSION: The Practice subcommittee needs to look at this position.

18. Education Subcommittee:

A. Old business

1. Education WACs (Washington Administrative Code)
 - Draft language on list serve October 23, 2002
 - What detail should be in the curriculum?Draft Education rules were circulated and comments are being submitted to the office.

The faculty to student ration of 1:9 in the draft rules was determined to be a typographical error. The faculty to student proposed ration is 1:10.
2. Nursing Program Approval Panel (NPAP) and Education Subcommittee communication
Nursing program approval process and report in relation to communication to the Education subcommittee.

B. New Business

1. Joint Education and Practice Subcommittee meeting November 7, 2002
Streamline new proposals

19. Discipline Subcommittee Report—Cheryl Payseno

DISCUSSION: Cheryl Payseno reported that the discipline subcommittee is looking at compliance so that all commission members are consistent. Extensions should not be done by staff but should be done by Reviewing Commission Members (RCMs). The TERCAP tool has been finalized by NCSBN. At times, 3 members of a panel have not been available.

DISCUSSION: Case review panel will be: Cheryl Payseno, Ezra Kinlow, Jean Stevens and Jackie Rowe.

20. Other:

Pat Truitt represented her Self-Study LPN refresher Course. She explained that a new course has been developed and is ready to bring before the commission for approval. Pat reported that she has seen a huge increase this year in taking the LPN course. The course needs to be completed within 9 months.

Pat has been able to work within the new proposed language for Limited Educational License (LEL). Her program delivers all didactic and theoretical information and testing first. The participants then request an LEL to allow them to complete the clinical portion of the course with in the 90-day limit. She has found this to be a workable solution for the students and herself.

Joanna Boatman, Chair of the Nursing Commission, adjourned the meeting at 1:00PM. Kris McLaughlin recorded the minutes.